

REMARKS

This Amendment is in response to the Office Action of August 8, 2006. Claims 1-18 are pending in this application. By this Amendment, claim 1 has been amended and claims 5 and 10 have been rewritten in independent form. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Applicants have amended the specification by shortening the length of the Abstract and amending the paragraph appearing on page 9, line 29 to page 10, line 5 to overcome the objections raised by the Examiner.

Applicants objects to the Examiner's interpretation of the means language appearing in the pending claims. In claim 11, the Examiner has interpreted "means for preventing unintentional movement of the gear rack" as being a spring or its equivalents. It is noted that a lock mechanism 20 which engages the actuating mechanism is disclosed as an example of one type of means for preventing unintentional movement of the gear rack. However, a spring and its equivalents also could be used along with other locking mechanisms.

Claims 1-6, 10-14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,968,052 to Sullivan et al. ("the Sullivan patent") in view of U.S. Patent No. 5,501,654 to Failla et al. (the "Failla patent"). The Examiner has basically taken the position that it would have been obvious to one skilled in the art to incorporate the thumbwheel shown in the Failla patent into the stent delivery device disclosed in the Sullivan patent. However, Applicants strongly disagree with the Examiner's position. The Sullivan patent requires the use of a specialized retraction mechanism in order to provide the necessary movement to retract the outer sheath 14 proximally to deploy the stent 18. The Sullivan patent discloses a retraction mechanism including a rack driver having a rack 80 and rack tab 82 that must be repetitively moved back and forth over a rack strip 84 in order to move the rack strip 84 proximally. This

rack strip 84 is attached to pull-wires 32 which are, in turn, attached to the outer sheath 14. As the rack strip 84 is retracted proximally by the rack driver, the pull-wires 32 in turn move the outer sheath 14 from the stent 18. This rack tab 82 includes a ratcheting pawl 89 which engages ramped spaced stops 86 formed on the rack strip 84. This ratcheting pawl 89 only engages the stops 86 when the pawl 89 moves in a proximal direction. However, when the pawl 89 is moved in a distal direction, the pawl 89 and stops 86 will not engage.

As a result, the Sullivan device requires the use of a trigger 46 capable of moving back and forth in order to move the rack driver back and forth over the rack strip 84 to retract the rack strip 84. The use of a rotating thumbwheel which drives a movable rack, as disclosed in the Failla patent, would simply not provide the back and forth movement needed to retract the rack strip 84 used in the Sullivan device. Therefore, the gear and rack mechanism disclosed in the Failla patent is quite different from the actuating mechanism disclosed in the Sullivan patent. For these reasons, the actuating mechanisms would not be interchangeable as suggested by the Examiner. Additionally, the actuating mechanism in the Failla patent does not move an outer sheath 14 since the outer sheath 14 is affixed to the handle 12. In the Failla patent, the actuating mechanism actually moves an inner rod 18. Therefore, the Examiner's position that that actuating mechanism of the Failla patent could be incorporated into the Sullivan device would not even achieve the basic structure of the claims at issue. Accordingly, Applicants respectfully request the Examiner to withdraw the obviousness rejections of these claims.

Claims 7 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Sullivan patent in view of the Failla patent and in further view of U.S. Patent No. 6,183,443 to Kratoska et al (the "Kratoska patent"). Applicants further note that the Sullivan patent fails to disclose an outer sheath which is attachable to the entry point of the patient to provide a conduit for the delivery catheter to prevent the distal end of the

inner catheter member from moving distally when the outer restraining member is being retracted via the control handle. The Examiner has taken the position that an introducer constitutes the outer sheath. However, an introducer as disclosed in the Sullivan would not prevent the distal end of the inner catheter member from moving distally when the outer restraining member is being retracted via the control handle. As such, the Sullivan patent fails to disclose an outer sheath in accordance with the present invention. Also, the introducer sheath disclosed in the Kratoska patent would not perform the function of the outer sheath of the present invention. Moreover, claims 7 and 17 are patentable for at least the same reasons as claim 5, as discussed above. In view of these arguments, Applicants request that the rejections under 35 U.S.C. 103(a) be withdrawn.

Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Sullivan patent in view of the Failla patent and in further view of U.S. Patent No. 64,624,243 to Lowery et al (the "Lowery patent"). Applicants again note that the Sullivan patent fails to disclose an outer sheath which is attachable to the entry point of the patient to provide a conduit for the delivery catheter to prevent the distal end of the inner catheter member from moving distally. The metal introducer disclosed in the Lowery is not an outer sheath in accordance with the present invention. Additionally, claims 8 and 9 are patentable for at least the same reasons as claim 5, as discussed above. In view of these arguments, Applicants request that the rejections under 35 U.S.C. 103(a) be withdrawn.

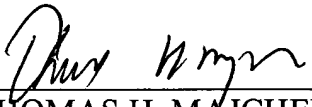
It is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any fees payable in connection with this response to Deposit Account No. 06-2425. A duplicate copy of this document is enclosed.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
THOMAS H. MAJCHER
Registration No. 31,119

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201